IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 13246 of 2004

Between:

Peddi Reddy Ramanamma, W/o. late Poli Reddy,36 yrs,
R/o. Musal Reddy Palli Village, Pulla Reddypall (Gram Panchayat),
Kalasapadu Mandal, Cuddapah District.

..... PETITIONER

AND

1. The Commissioner of Endowments,

Tilak Road, Andhra Pradesh, Hyderabad.
2. The Asst.Commissioner of Endowments, Cuddapah, Cuddapah District.
3. Sree Puspagiri Mutt Rep by its Manager, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in conducting auction to the lands in Sy.No. 23 of Musal Reddy Palli Village, Porumamilla Mandal, Cuddapah District to be held on 29-7-2004 as arbitrary, illegal and unconstitutional and consequently direct the 1st and 2nd respondents to enquire in to the status of the petitioner being landless poor persons and act in accordance with G.O. Ms. No. 379

dt. 11-3-2003.

Counsel for the Petitioner:MR.T.SRIKANTH REDDY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following :

ORDER:

The petitioner seeks a Writ of Mandamus declaring the action of the respondents in conducting the auction of the lease-hold rights of the lands in respect of Sy.No.23 of Musal Reddi Palli village, Porumamilla Mandal, Kadapa District proposed to be conducted on 29-07-2004 as arbitrary and illegal.

The petitioner states that originally her husband late Poli Reddy was cultivating as tenant of the land in question to an extent of Ac.2.14 cents. The land in question belongs to the 3rd respondent-Sree Puspagiri Mutt. The husband of the petitioner died in the year,2002. The agreements of lease in his favour were being executed from time to time and the latest being in the year,1997, for a period of 5 years. It appears that even after the death of her husband, the petitioner continued in possession and enjoyment of the land in question. Now, the 3rd respondent-Mutt proposed to conduct auction of the lease-hold rights in respect of the land in question on 29-07-2004. Aggrieved by the said auction, this writ petition has been filed.

The petitioner further states that she has no other source of livelihood and since her husband was the tenant in respect of the said lands for a long time, the 3rd respondent-Mutt is not justified in putting the lease-hold rights to public auction without considering her request to continue as a lessee.

I am afraid that the relief as prayed for by the petitioner cannot be granted. Admittedly, the husband of the petitioner who was the lessee died in the year, 2002, and the lease granted in his favour in the year, 1997 for a period of 5 years also expired during his lifetime. Moreover, by virtue of the provisions of Section 82(1) of the A.P. Charitable and Hindu Religious Institutions & Endowments Act (Act 30 of 1987) the lease stood terminated with effect from the commencement of Act 30 of 1987. In the circumstances, the petitioner cannot claim any right to continue her as cultivating tenant. The contention of the petitioner is without any substance and I am

unable to hold that the action of the 3rd respondent-Mutt in putting the lease-hold rights to public auction is either arbitrary or illegal.

However, it is always open to the petitioner to participate in the auction proposed to be conducted on 29-07-2004, if she so chooses, in which event the 3rd respondent-Mutt shall consider the claim of the petitioner also along with the other bidders.

With the above observations, the Writ petition is disposed of. No order as to costs.

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(G.ROHINI,J)

28-07-2004.

TSY

To

1. The Commissioner of Endowments,

Tilak Road, Andhra Pradesh, Hyderabad.
2. The Asst.Commissioner of Endowments,

Cuddapah, Cuddapah District.

3. Two CCs to The G.P. for Endowments,

High Court of A.P., Hyderabad(O.U.T.).

4. Two CD copies.